

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELAINE MARY MURPHY,
Plaintiff,

v.

WILLIAM MILLIGAN SLOAN,
Defendant.

Case No. [13-cv-04069-JST](#)

**ORDER REGARDING PRE-TRIAL
DISCOVERY AND TRIAL**

Pursuant to the stipulation of the parties, ECF No. 33, the Court now orders as follows:

1. Depositions

a. Respondent's deposition by telephone of Jeremy Morley shall be conducted on September 30, 2013 beginning at 10 a.m. P.D.T.

b. Petitioner's deposition of Respondent shall be on October 1, 2013 beginning at 10:30 a.m. P.D.T.

c. Respondent shall take Petitioner's deposition on October 4, 2013 beginning at 10:30 a.m. at 950 Northgate Drive, Suite 307, San Rafael, CA 94903.

d. Respondent's telephonic deposition of Amhed Abbas shall be on October 2, 2013 beginning at 9 a.m. P.D.T.

e. Petitioner and Respondent shall forthwith execute the court's Standard Confidentiality Order.

2. Mediation

a. Petitioner and Respondent shall participate in mediation on October 3, 2013 beginning at 10:30 a.m. in San Jose, California with Melissa A. Kucinski.

b. Mediation may continue on October 4, 2013 by agreement of Petitioner and

Respondent.

c. Respondent shall advance Ms. Kucinski's \$2,000 fee.

d. Mediation shall occur in San Jose unless Petitioner, Respondent and Ms. Kucinski agree to alternate location.

e. Petitioner, Respondent, and their counsel primarily responsible for handling the trial of the matter shall attend the mediation in person, Respondent reserving the right to retain limited scope counsel to represent him at trial.

f. The court, the mediator, all counsel and parties, and any other persons attending the mediation shall treat the statements made in mediation as "confidential information." "Confidential information" shall not be disclosed to anyone not involved in the litigation, disclosed to the assigned judge, or used for any purpose, including impeachment, in any pending or future proceeding in this court. By Petitioner's, Respondent's and the mediator's stipulation, confidential information may be disclosed. Confidential information may be disclosed as required by law.

g. Petitioner, Respondent, their counsel, the mediator and all others attending the mediation shall sign a confidentiality agreement.

4. Trial

a. Other than Jeremy Morley, who has been disclosed, neither Petitioner nor Respondent may call an expert witness who has not been disclosed to the other by September 24, 2013 at 5 p.m. P.D.T.

b. Petitioner and Respondent shall file her or his Memorandum of Points and Authorities, if any, of not more than 12 pages by October 2, 2013 by 5:00 p.m. P.D.T.

c. Petitioner's and Respondent's Motions in Limine, if any, shall be filed by October 4, 2013 by 5:00 p.m. P.D.T.

d. Petitioner and Respondent shall each have equal court time to present her or his case.

e. Exhibits to be used by Petitioner or Respondent at trial or offered in evidence at trial shall be produced to opposing counsel by October 2, 2013 at 5:00 p.m. P.D.T.

f. Petitioner's and Respondent's declarations of their respective cases-in-chief shall

1 be filed by October 2, 2013 at 5 p.m. P.D.T.

2 g. After receipt of Petitioner's and Respondent's declarations, Respondent may cross-
3 examine Petitioner and her witnesses; following Respondent's cross-examination, Petitioner may
4 cross-examine Respondent and his witnesses.

5 h. One attorney only may question a witness. Only that attorney may object to form of
6 questions and admission of evidence.

7 i. Excepting Petitioner and Respondent, witnesses are excluded from the courtroom.
8 Once a witness has finished testifying, that witness may remain in the courtroom.

9 **4. Additional Orders**

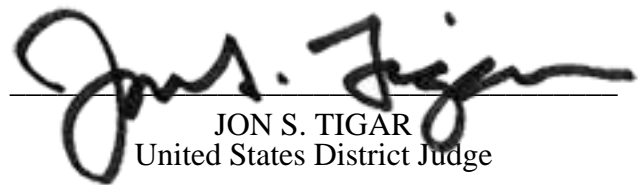
10 The following additional orders were made at the Case Management Conference
11 conducted on September 27, 2013:

12 a. Except as the court may otherwise order, trial of this matter shall commence
13 Monday, October 7, 2013 at 9 a.m. P.D.T. Each side shall have two hours to present evidence.
14 Direct examinations will be submitted in writing and only cross-examinations will be the subject
15 of live testimony. Time permitting, the Court will entertain brief closing arguments.

16 b. To the extent that the parties have agreed that each will produce documents
17 requested by the other, each side shall produce its documents not later than Sunday, September 29,
18 2013 at 12:00 p.m.

19 **IT IS SO ORDERED.**

20 Dated: September 30, 2013

21 
22 JON S. TIGAR
United States District Judge